UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

CONSTITUTION AND BY-LAWS
OF THE
ORGANIZED VILLAGE OF KAKE
ALASKA

APPROVED NOVEMBER 17, 1947

UNITED STATES
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CONSTITUTION AND BY-LAWS OF THE ORGANIZED VILLAGE OF KAKE, ALASKA

PREAMBLE

We, the Kake Indians of Alaska, an Indian band or tribe, in order to promote our welfare through the development and operation of social and economic enterprises, do ordain and establish this Constitution and By-laws in accordance with, and by authority of, the Acts of Congress of June 18, 1934 (48 Stat. 984), and May 1, 1936 (49 Stat. 1250).

ARTICLE I—NAME

SECTION 1. The name of this organization shall be the Organized Village of Kake, hereinafter referred to as the Village.

ARTICLE II—MEMBERSHIP

SECTION 1. The membership of this Village shall be as follows:

(*a*) All persons whose names appear on the roll of those entitled to vote on the adoption of this Constitution and By-laws, consisting of the residents of this Village, as provided in Article VI, section 2, of the By-laws. Within one year from the approval of this Constitution the Council elected under this Constitution may make corrections in this roll, subject to the approval of the Secretary of the Interior.

(*b*) All children both of whose parents are enrolled members of the Village.

(*c*) All children one of whose parents is an enrolled member of the Village and has a permanent home in the Village at the time of the adoption of the Constitution or of the birth of the children.

(*d*) All other persons of Indian blood who are adopted by the Council.

SEC. 2. All members and their minor children who cease to make a permanent home in the Village shall cease to be members of this Village until they resume their residence.

SEC. 3. Any member who, after notice and an opportunity to present his defense, is found guilty by the Village of fraud or misconduct in his relations with the Village or of working deliberately against the interests of the Village may be expelled by a two-thirds vote of the members present at any regular or special meeting. A person so ex-

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pelled may be reinstated as a member upon written application filed with the Secretary of the Council and two-thirds vote of the membership present at any regular meeting.

SEC. 4. The Council may make rules and regulations governing the enrollment and adoption of members and the conditions under which a member may abandon his membership, or having abandoned it, be readmitted to membership, subject to approval by the Secretary of the Interior.

SEC. 5. *Definition of Residence.*—Any person shall be considered a resident of the neighborhood of Kake who maintains a home within the Village or in any area of lands occupied or claimed by the Kake Indians.

ARTICLE III—THE GOVERNING BODY

SECTION 1. The governing body of this Village shall be a Council composed of the president and six members, elected by the membership of the village over the age of 18.

SEC. 2. The membership of the Village shall meet on the second Monday in October and third Monday in February of each year, at which time it may increase the size of the Council, or otherwise regulate the size of the Council: *Provided*, That the number is not reduced to less than six; and may attend to such other business as may be lawful. At the regular meeting of the Village on the third Monday in February, the members of the Village shall make nominations and determine the candidates for election.

SEC. 3. Council members shall be elected on the annual election date and shall serve for a period of two years or until their successors are elected and qualified. Vacancies may be filled by the Council but only pending the next meeting of the Village, when a new member shall be elected to fill the unexpired term.

SEC. 4. The president shall be elected annually to serve for a term of one year.

SEC. 5. The first regular Council elected under this Constitution shall divide itself into two equal groups "A" and "B", by drawing lots, whereupon the term of office of those in group "A" shall terminate on the election date of each even-numbered year and the term of those in group "B" shall terminate on the annual election date of each odd-numbered year. Thereafter each member of the Council shall serve two years.

SEC. 6. The Council shall organize itself within 30 days after each annual election date by electing from within its membership a vice president, and from within or without, a secretary, a treasurer, and such other officers as it may deem necessary. Officers elected from without the Council shall not vote therein.

Article IV—Elections

Section 1. The annual election date shall be the first Thursday after the third Monday in April.

Sec. 2. Within 60 days after the approval of this Constitution, the Mayor of Kake shall call and supervise an election of a Temporary Council to serve until the first regular election under this Constitution.

Sec. 3. Any adult member of this Village as defined in Article V, section 2 of the By-laws shall have the right to vote in all Village elections, except on the ratification of this Constitution and amendments thereto the voter must be 21 years of age or over.

Sec. 4. All elections shall be by secret ballot and shall be held in accordance with the rules and regulations of the Council.

Sec. 5. It shall be the duty of the secretary to notify each person of his election within five days thereafter.

Article V—Powers

Section 1. The Council shall exercise the following powers, subject to any limitations imposed by the statutes or Constitution of the United States and subject further to all express restrictions upon such powers contained in this Constitution and By-laws.

(*a*) To negotiate with the Federal and Territorial Governments on behalf of the Village and to advise and consult with representatives of the Interior Department on all activities of the Department that may affect the Village of Kake.

(*b*) To employ legal counsel. So long as the law requires it, the choice of counsel and fixing of fees shall be subject to the approval of the Secretary of the Interior.

(*c*) To manage and control all the economic affairs and enterprises of the Village in accordance with the terms of a charter which may be issued to the Village by the Secretary of the Interior.

(*d*) To prevent the sale, disposition, lease or encumbrance of Village land, interest in land or waters or in other assets of the Village without the consent of the Council.

(*e*) To organize or to charter associations of its members for economic purposes and to regulate the same.

(*f*) To provide for the guardianship of the persons and property of minors and mental incompetents, consistent with Territorial and Federal law.

(*g*) To levy dues, fees, assessments, and fines on the members for Village purposes, and charges on non-members for the use of property of the Village, and to provide for the collection thereof.

(*h*) To provide for filling vacancies in office consistent with this Constitution.

(*i*) To advise the Secretary of the Interior with regard to all appropriation estimates for Federal projects for the benefit of the Village prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(*j*) To make assignments of Village lands to members of the Village in accordance with the custom of the Village or the regulations of the Council.

(*k*) To protect and preserve the timber, fisheries and other property and natural resources of the Village.

(*l*) To aid needy members and protect the general welfare and security of the Village.

SEC. 2. The Council of the Village of Kake may exercise such further powers as may in the future be delegated to the Council by members of the Village or by the Federal or Territorial Government.

SEC. 3. Any rights and powers previously possessed by the Village of Kake but not expressly referred to in this Constitution shall not be abridged by this Constitution, but may be exercised by the people of the Village in a referendum vote with the approval of the Secretary of the Interior.

ARTICLE VI—BILL OF RIGHTS

SECTION 1. The Council shall not restrict or in any way abridge the rights of its members guaranteed under the Constitution of the United States but it shall be its duty to see that the full constitutional rights thereof are maintained and preserved.

SEC. 2. All members of the Village shall be accorded equal right and opportunity to participate in and enjoy the resources, property, and benefits of this organization.

ARTICLE VII—REMOVAL OF OFFICERS

SECTION 1.

(*a*) Any member or officer of the Council who is convicted of a felony or any offense involving dishonesty shall forfeit his office;

(*b*) Any member of the Council who is absent from the regular meetings of the Council for a period of three months without cause or excuse, may have his seat declared vacant by the Council, whereupon the Council shall fill it as in other vacancies.

(*c*) *Recall.*—Upon a petition signed by one-third of the adult members of the Village asking the recall of any member of the Council, the Council shall call a special meeting of the Village to vote upon his recall. If the Council member is recalled, the Village members shall proceed to elect his successor to fill the unexpired term.

ARTICLE VIII—FEDERATION

The Council may for the purpose of forming a federation or union with other organizations of like character appoint a committee to meet with such other organizations, and submit its findings to the said Council for appropriate action.

ARTICLE IX—AMENDMENTS

This Constitution and By-laws may be amended by a majority vote of the members of the Village of Kake twenty-one years of age or over voting at an election called for the purpose by the Secretary of the Interior: *Provided*, That at least 30 percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election upon receipt of written resolution signed by a majority of the Council.

BY-LAWS OF THE ORGANIZED VILLAGE OF KAKE

ARTICLE I—DUTIES OF OFFICERS

SECTION 1. The President of the Council shall preside over all meetings of the Village and shall be chairman of the Council exercising the usual duties of chairman and any others delegated to him. He may vote in Council meetings only in case of a tie or where the vote is by ballot.

SEC. 2. The Council shall elect a Vice President who shall act as president in the absence or disability of the President.

SEC. 3. The Secretary of the Council shall conduct all correspondence and keep a complete and accurate record of all business transacted at Council or Village meetings.

The Secretary shall record all rules, regulations, and ordinances in appropriate books, indexing the same and assigning short titles, and may publish the same for the information of the Village.

SEC. 4. The Treasurer of the Council shall accept, receive, receipt for, reserve, and safeguard all funds in the custody of the Council, whether Village funds or other funds for which the Council is responsible. He shall deposit all such funds in such banks or elsewhere as directed by the Council. He shall make and preserve a faithful record of such funds and shall report to the Council all receipts and expenditures and the amount and nature of all funds in his possession or custody. He shall not pay out or authorize disbursement of any funds for which he is responsible except in the manner authorized by the Council.

The books and records of the Treasurer shall be audited at least once each year by a competent auditor employed by the Council and at such other times as the Council shall direct. He shall direct the auditor in writing to send two copies of his report to the Juneau Office of the Alaska Native Service. He shall also send two copies of his trial balance once each month to the Juneau Office.

The Treasurer shall be required to give bond satisfactory to the Council and until he does so all money shall be deposited according to the direction of the Juneau Office of the Office of Indian Affairs. The Treasurer shall be present at all special or regular meetings of the Council. The Treasurer may with the advice and consent of the Council appoint assistants.

SEC. 5. The duties of all appointive officers or agents shall be clearly defined by resolution of the Council at the time of their appointment.

ARTICLE II—QUALIFICATIONS OF OFFICERS

No person may be a candidate for any elective office unless he has the qualifications of a voter.

ARTICLE III—INSTALLATION OF OFFICERS

Each person appointed or elected to an office shall subscribe to the following oath of office before entering upon the duties thereof:

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies; that I will carry out faithfully and impartially the duties of my office as _____ to the best of my ability; that I will promote and protect the best interests of the Organized Village of Kake, in accordance with this Constitution and By-laws."

ARTICLE IV—TIME AND PLACE OF MEETING AND ORDER OF BUSINESS

SECTION 1. The Council shall meet on the first Thursday of each month at 7:30 p. m., unless otherwise ordered by resolution, and may meet at such other times as may seem desirable to the Council.

SEC. 2. A number equal to one-half of the entire membership of the Council exclusive of the President shall constitute a quorum.

SEC. 3. The following shall be the order of business unless changed by or with the consent of the Council, namely:

Call to order by the President:
Roll call:
Announcement of quorum;
Reading the minutes of the last meeting;
Correction or approval of the minutes of last meeting;

Treasurer's report;
Report of committees;
Unfinished business;
New business;
Adjournment.

SEC. 4. When there is no special rule, Robert's Rules of Order shall be the law governing the procedure of the Council.

SEC. 5. Every resolution, after the explanatory clauses, shall begin with the words: "Be it resolved by the Council of the Organized Village of Kake."

ARTICLE V—DEFINITIONS

SECTION 1. Where the masculine pronoun is used it shall be understood to include the feminine.

SEC. 2. The word "adult" means a person who is 18 years of age or over.

ARTICLE VI—RATIFICATION

SECTION 1. This Constitution and By-laws shall be effective when ratified by a majority vote of the Kake Indians of Alaska, voting at an election called for the purpose by the Secretary of the Interior: *Provided*, That at least 30 percent of the members of the Village of Kake twenty-one years of age or over shall vote in such election.

SEC. 2. The Indians entitled to vote on the ratification of this Constitution and on amendments thereto shall be all those Kake Indians twenty-one years of age or over whose names appear on a roll of such Indians prepared under the Instructions of the Secretary of the Interior.

SEC. 3. This Constitution and By-laws are herewith approved by the Assistant Secretary of the Interior and submitted for ratification by the Kake Indians of Alaska, in a popular referendum called and held under the Instructions of the Secretary of the Interior.

[SEAL] WILLIAM E. WARNE,
Assistant Secretary of the Interior.

WASHINGTON, D. C., *November 17, 1947.*

CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 17, 1947, by the Assistant Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the Kake Indians of Alaska, and was on January 27, 1948, duly ratified by a vote of 117 for, and 1 against, in an election in which over thirty percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganiza-

tion Act of June 18, 1934 (48 Stat. 984), as amended by the Acts of June 15, 1935 (49 Stat. 378) and May 1, 1936 (49 Stat. 1250).

ERNEST WILLIAMS,
Chairman, Election Board.
CHARLIE JACKSON,
Secretary, Election Board.

ARTHUR H. WALKER,
Government Representative.

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